

REMARKS

Reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

Rejection under 35 U.S.C. 103

The rejection of claims 1-14 as obvious over Zhan (CN 87108003) in view of Gallacher and El A'mma is respectfully traversed.

Zhan discloses merely that "sulfonates" and "peroxides" are present in a fuel composition. Contrary to the statement in the rejection, it is not seen where in Zhan there is any disclosure that the peroxides are organic, or that the sulfonates are alkylaromatic sulfonates, even ignoring that the claims are limited to the lithium salt.

Gallacher discloses that certain sulfonates can be used as rust and corrosion inhibitors. Although present in a petroleum base, the Gallacher compositions are clearly not for improving the combustion of petroleum compositions. Rather, they are for preventing corrosion when the petroleum or synthetic composition is maintained at a high temperatures (col. 1, ln. 8-14). As shown on the attached printout from the King Industries website (the assignee listed on the face of the Gallacher patent), these compositions are used in lubricating and working fluids held at relatively high temperatures ("greater than 150° C"; see also col. 1, ln. 21). In contrast, gasoline has a flashpoint below 0° C and diesel has a flashpoint below 100° C, and would not be held at high temperatures.

Finally, El A'mma is directed to microbicidal compositions, and especially those that are aqueous. The peroxides described by El A'mma are those that are water-soluble (col. 3, ln. 22) and those that are only slightly soluble require a cosolvent or solubilizer. Further, all of the areas in which the microbicide are used are aqueous environments. Column five, second full paragraph. Thus, El

A'mma only teaches that for terms of a microbicidal composition, organic peroxides can be used if made to be compatible with an aqueous solution.

The references do not provide any motivation for the combination proposed in the Office Action. While Zhan is directed to a fuel, Gallacher is directed to preventing corrosion in oil-based compositions held at high temperatures, and El A'mma is directed to a microbicidal composition for aqueous media or aqueous environments. That the components of Applicant's composition can be found in the separate pieces of art does not create motivation for combining those pieces, especially when they are directed to very different uses for the compositions disclosed. The El A'mma teaching that organic peroxides can be made water-soluble for purposes of killing microbes is an art not related to the art of fuel combustion, and so does not show any fuel art-recognized equivalence as stated in the Office Action. Therefore, it would not have been obvious to mix an organic peroxide that El A'mma must modify to work in her aqueous compositions with the Gallacher corrosion-preventing alkaryl sulfonate used in working fluids in the Zhan composition, which discloses merely "peroxides" and "sulfonates" and not those particularly claimed by Applicant.

In light of the foregoing, withdrawal of the rejections, and further and favorable action, in the form of a notice of allowance, is believed to be next in order, and such actions are earnestly solicited.

Respectfully submitted,

Bradley N. Ruben, Reg. No. 32,058
Bradley N. Ruben, PC
463 First St., Suite 5A
Hoboken, NJ 07030-1859
201-239-0707 (fax -0734)
mail@rubenpatent.com
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